

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2019 AUG -8 PM 3:56

UNITED STATES OF AMERICA

v.

MICHAEL T. SUTHERIN

Case No:

JUDGE:

2:19-cr-00174
Judge Marbley

18 U.S.C. §§ 2251(a) & (e)
18 U.S.C. §§ 2251(d)(1)(B) & (e)
18 U.S.C. §§ 2252(a)(2) & (b)(1)
18 U.S.C. §§ 2252(a)(4)(B) & (b)(2)
18 U.S.C. §§ 2253(a)(1) & (3)
18 U.S.C. § 2422(b)
18 U.S.C. § 2428

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(Sexual Exploitation of a Minor)

On or about November 14, 2018, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did employ, use, persuade, induce, entice, and coerce a minor, specifically Jane Doe #1, an approximately 14-year-old female, to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2)(A), for the purpose of producing and attempting to produce any visual depiction of such conduct, to wit: one or more digital image and/or video files depicting Jane Doe #1 engaged in sexually explicit conduct, including the lascivious display of the genitalia; and such visual depictions having been transmitted using any means or facility of interstate or foreign commerce, that is, the internet and cellular phones.

In violation of 18 U.S.C. §§ 2251(a) & (e).

COUNT TWO

(Making a Notice for Child Pornography)

Between on or about November 14 and November 19, 2018, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly make and publish, and cause to be made and published, notices seeking and offering participation in any act of sexually explicit conduct by a minor for the purpose of producing a visual depiction of such conduct; and such notices and advertisements were transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means, including the internet and cellular phone; to wit, the defendant sent online statements on the Instagram application, seeking to receive visual depictions of Jane Doe #1, an approximately 14-year-old female engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2251(d)(1)(B) and (e).

COUNT THREE

(Coercion or Enticement of a Minor)

Between in or about November of 2018, and in or about January of 2019, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did use a means and facility of interstate commerce, that is, cellular phones and the internet, to knowingly persuade, induce and entice, or attempt to persuade, induce and entice, an individual who had not attained the age of 18 years, that is, Jane Doe #1, an individual that the defendant knew and believed to be an approximately 14-year-old female, to engage in sexual activity for which any person can be charged with a criminal offense, specifically violation of 18 U.S.C. § 2251(a).

In violation of 18 U.S.C. § 2422(b).

COUNT FOUR

(Sexual Exploitation of a Minor)

On or about January 30, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did employ, use, persuade, induce, entice, and coerce a minor, specifically Jane Doe #2, an approximately 12-year-old female, to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2)(A), for the purpose of producing and attempting to produce any visual depiction of such conduct, to wit: one or more digital image and/or video files depicting Jane Doe #2 engaged in sexually explicit conduct, including the lascivious display of the genitalia; and such visual depictions having been transmitted using any means or facility of interstate or foreign commerce, that is, the internet and cellular phones.

In violation of 18 U.S.C. §§ 2251(a) & (e).

COUNT FIVE

(Making a Notice for Child Pornography)

Between on or about October 22, 2018, and on or about February 7, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly make and publish, and cause to be made and published, notices seeking and offering participation in any act of sexually explicit conduct by a minor for the purpose of producing a visual depiction of such conduct; and such notices and advertisements were transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means, including the internet and cellular phone; to wit, the defendant sent online statements on the Snapchat chat application, seeking to receive visual depictions of Jane Doe #2, an approximately 12-year-old female engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2251(d)(1)(B) and (e).

COUNT SIX

(Receipt of Child Pornography)

On or about January 21, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly receive one or more visual depictions, using any means and facility of interstate and foreign commerce, including cellular phones and the internet, the production of such visual depictions having involved the use of a minor engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such depictions being of such conduct, to wit: an image depicting Jane Doe #2, an approximately 12-year-old female fully nude.

In violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT SEVEN

(Sexual Exploitation of a Minor)

On or about March 2, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did employ, use, persuade, induce, entice, and coerce a minor, specifically Jane Doe #3, an approximately 15-year-old female, to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256(2)(A), for the purpose of producing and attempting to produce any visual depiction of such conduct, to wit: one or more digital image and/or video files depicting Jane Doe #3 engaged in sexually explicit conduct, including the lascivious display of the genitalia; and such visual depictions having been transmitted using any means or facility of interstate or foreign commerce, that is, the internet and cellular phones.

In violation of 18 U.S.C. §§ 2251(a) & (e).

COUNT EIGHT
(Making a Notice for Child Pornography)

Between on or about December 25, 2018, and March 19, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly make and publish, and cause to be made and published, notices seeking and offering participation in any act of sexually explicit conduct by a minor for the purpose of producing a visual depiction of such conduct; and such notices and advertisements were transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means, including the internet and cellular phone; to wit, the defendant sent online statements on the Instagram application, seeking to receive visual depictions of Jane Doe #3, an approximately 15-year-old female engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2251(d)(1)(B) and (e).

COUNT NINE
(Coercion or Enticement of a Minor)

Between in or about December of 2018, and in or about March of 2019, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did use a means and facility of interstate commerce, that is, cellular phones and the internet, to knowingly persuade, induce and entice, or attempt to persuade, induce and entice, an individual who had not attained the age of 18 years, that is, Jane Doe #3, an individual that the defendant knew to be an approximately 15-year-old female, to engage in sexual activity for which any person can be charged with a criminal offense, specifically violation of 18 U.S.C. § 2251(a).

In violation of 18 U.S.C. § 2422(b).

COUNT TEN

(Making a Notice for Child Pornography)

Between on or about April 9 and April 14, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly make and publish, and cause to be made and published, notices seeking and offering participation in any act of sexually explicit conduct by a minor for the purpose of producing a visual depiction of such conduct; and such notices and advertisements were transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, by any means, including the internet and cellular phone; to wit, the defendant sent online statements on the Instagram chat application, seeking to receive visual depictions of Jane Doe #4, an approximately 15-year-old female engaged in sexually explicit conduct.

In violation of 18 U.S.C. §§ 2251(d)(1)(B) and (e).

COUNT ELEVEN

(Receipt of Child Pornography)

On or about April 14, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly receive one or more visual depictions, using any means and facility of interstate and foreign commerce, including cellular phones and the internet, the production of such visual depictions having involved the use of a minor engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such depictions being of such conduct, to wit: an image depicting Jane Doe #4, an approximately 15-year-old female nude and engaged in masturbation.

In violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT TWELVE
(Distribution of Child Pornography)

On or about April 9, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, did knowingly distribute one or more visual depictions using any means and facility of interstate and foreign commerce, including the Internet and cellular phones, the production of such visual depictions having involved the use of minors engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such depictions being of such conduct, to wit: digital images and video files depicting pubescent and prepubescent females engaged in anal intercourse, masturbation and the lascivious display of the genitalia.

In violation of 18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT THIRTEEN
(Possession of Child Pornography)

On or about April 28, 2019, in the Southern District of Ohio, the defendant, **MICHAEL T. SUTHERIN**, knowingly possessed matter, that is, digital files stored on a cellular phone and laptop computer that contained one or more visual depictions; and such visual depictions were shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, the production of such visual depictions having involved the use of minors engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such visual depictions being of such conduct.

In violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

FORFEITURE COUNT A

The allegations of Counts One and Two, Four through Eight, and Ten through Twelve of this Indictment are hereby incorporated by reference as part of this Count as if fully rewritten herein for purposes of alleging forfeitures to the United States of America pursuant to the provisions of 18 U.S.C. § 2253.

As a result of the offenses alleged in Counts One and Two, Four through Eight, and Ten through Twelve of this Indictment and upon conviction thereof, Defendant **MICHAEL T. SUTHERIN** shall forfeit to the United States:

- (a) all matter containing said visual depictions or child pornography and child erotica, transported, mailed, shipped and possessed in violation thereof; and,
- (b) all property used and intended to be used to commit and to promote the commission of the aforementioned violations including but not limited to the following:

- 1. One Apple i-Phone 8, serial number C8PVMGW7JC6N.

In violation of 18 U.S.C. §§ 2253(a)(1) and (3).

FORFEITURE COUNT B

The allegations contained in Counts Three and Nine of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America, pursuant to 18 U.S.C. § 2428.

As a result of the offense alleged in Counts Three and Nine of this Indictment, and upon conviction thereof, Defendant **MICHAEL T. SUTHERIN** shall forfeit to the United States:

(a) All property used or intended to be used to commit or to promote the commission of the aforementioned violation in Counts Three and Nine of this Indictment, including but not limited to the following:

1. One Apple i-Phone 8, serial number C8PVMGW7JC6N.

In violation of 18 U.S.C. §§ 2428(a)(1) and (b)(1)(A).

FORFEITURE COUNT C

The allegations of Count Thirteen of this Indictment are hereby incorporated by reference as part of this Count as if fully rewritten herein for purposes of alleging forfeitures to the United States of America pursuant to the provisions of 18 U.S.C. § 2253.

As a result of the offenses alleged in Count Thirteen of this Indictment and upon conviction thereof, Defendant **MICHAEL T. SUTHERIN** shall forfeit to the United States:

- (a) all matter containing said visual depictions or child pornography and child erotica, transported, mailed, shipped and possessed in violation thereof; and,
- (b) all property used and intended to be used to commit and to promote the commission of the aforementioned violations including but not limited to the following:

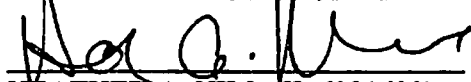
1. One Apple MacProBook, serial number C02T6F5YFVH3; and
2. One Apple i-Phone 8, serial number C8PVMGW7JC6N.

In violation of 18 U.S.C. §§ 2253(a)(1) and (3).

A TRUE BILL.

s/Foreperson
FOREPERSON

BENJAMIN C. GLASSMAN
UNITED STATES ATTORNEY •


HEATHER A. HILL (IL 6291633)
Assistant United States Attorney


S. COURTER SHIMEALL (0090514)
Assistant United States Attorney